



General Assembly

January Session, 2009

Raised Bill No. 6580

LCO No. 4064

04064_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING JUVENILE JUSTICE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-120 of the general statutes, as amended by
2 section 73 of public act 07-4 of the June special session, is repealed and
3 the following is substituted in lieu thereof (*Effective January 1, 2010*):

4 The terms used in this chapter shall, in its interpretation and in the
5 interpretation of other statutes, be defined as follows: (1) "Child"
6 means any person under sixteen years of age, except that for purposes
7 of delinquency matters and proceedings, "child" means any person (A)
8 under [eighteen] seventeen years of age, or (B) [eighteen] seventeen
9 years of age or older who, prior to attaining [eighteen] seventeen years
10 of age, has committed a delinquent act and, subsequent to attaining
11 [eighteen] seventeen years of age, violates any order of the Superior
12 Court or any condition of probation ordered by the Superior Court
13 with respect to such delinquency proceeding; (2) (A) "youth" means
14 any person sixteen or seventeen years of age, and (B) "youth in crisis"
15 means any youth seventeen years of age who, within the last two
16 years, (i) has without just cause run away from the parental home or

17 other properly authorized and lawful place of abode, (ii) is beyond the
18 control of the youth's parents, guardian or other custodian, or (iii) has
19 four unexcused absences from school in any one month or ten
20 unexcused absences in any school year; (3) "abused" means that a child
21 or youth (A) has been inflicted with physical injury or injuries other
22 than by accidental means, (B) has injuries that are at variance with the
23 history given of them, or (C) is in a condition that is the result of
24 maltreatment, including, but not limited to, malnutrition, sexual
25 molestation or exploitation, deprivation of necessities, emotional
26 maltreatment or cruel punishment; (4) a child may be found "mentally
27 deficient" who, by reason of a deficiency of intelligence that has existed
28 from birth or from early age, requires, or will require, for such child's
29 protection or for the protection of others, special care, supervision and
30 control; (5) a child may be convicted as "delinquent" who has violated
31 (A) any federal or state law, other than the commission of (i) an
32 infraction or violation by a youth under subsection (b) of section 51-
33 164n, or (ii) a motor vehicle violation by a youth for which a sentence
34 to a term of imprisonment may be imposed, (B) any order of the
35 Superior Court, except as provided in section 46b-148, or (C)
36 conditions of probation as ordered by the court; (6) a child or youth
37 may be found "dependent" whose home is a suitable one for the child
38 or youth, except for the financial inability of the child's or youth's
39 parents, parent or guardian, or other person maintaining such home,
40 to provide the specialized care the condition of the child or youth
41 requires; (7) "family with service needs" means a family that includes a
42 child or youth who (A) has without just cause run away from the
43 parental home or other properly authorized and lawful place of abode,
44 (B) is beyond the control of the child's or youth's parent, parents,
45 guardian or other custodian, (C) has engaged in indecent or immoral
46 conduct, (D) is a truant or habitual truant or who, while in school, has
47 been continuously and overtly defiant of school rules and regulations,
48 or (E) is thirteen years of age or older and has engaged in sexual
49 intercourse with another person and such other person is thirteen
50 years of age or older and not more than two years older or younger

51 than such child or youth; (8) a child or youth may be found "neglected"
52 who (A) has been abandoned, (B) is being denied proper care and
53 attention, physically, educationally, emotionally or morally, (C) is
54 being permitted to live under conditions, circumstances or associations
55 injurious to the well-being of the child or youth, or (D) has been
56 abused; (9) a child or youth may be found "uncared for" who is
57 homeless or whose home cannot provide the specialized care that the
58 physical, emotional or mental condition of the child or youth requires.
59 For the purposes of this section, the treatment of any child or youth by
60 an accredited Christian Science practitioner, in lieu of treatment by a
61 licensed practitioner of the healing arts, shall not of itself constitute
62 neglect or maltreatment; (10) "delinquent act" means the violation of
63 any federal or state law, or the violation of any order of the Superior
64 Court, other than the commission of (A) an infraction or violation by a
65 youth under subsection (b) of section 51-164n, or (B) a motor vehicle
66 violation by a youth for which a sentence to a term of imprisonment
67 may be imposed; (11) "serious juvenile offense" means (A) the violation
68 of, including attempt or conspiracy to violate, (i) section 21a-277,
69 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a, 53-202b, 53-202c, 53-390 to
70 53-392, inclusive, 53a-54a to 53a-56a, inclusive, 53a-59 to 53a-60c,
71 inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a,
72 inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113,
73 inclusive, subdivision (1) of subsection (a) of section 53a-122,
74 subdivision (3) of subsection (a) of section 53a-123, section 53a-134,
75 53a-135, 53a-136a, 53a-166 or 53a-167c, subsection (a) of section
76 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, by a
77 child, or (ii) section 53a-56b or 53a-57 by a child under sixteen years of
78 age, or (B) running away, without just cause, from any secure
79 placement other than home while referred as a delinquent child to the
80 Court Support Services Division or committed as a delinquent child to
81 the Commissioner of Children and Families for a serious juvenile
82 offense; (12) "serious juvenile offender" means any child convicted as
83 delinquent for the commission of a serious juvenile offense; (13)
84 "serious juvenile repeat offender" means any child charged with the

85 commission of any felony if such child has previously been convicted
86 as delinquent or otherwise convicted at any age for two violations of
87 any provision of title 21a, 29, 53 or 53a that is designated as a felony;
88 (14) "alcohol-dependent" means a psychoactive substance dependence
89 on alcohol as that condition is defined in the most recent edition of the
90 American Psychiatric Association's "Diagnostic and Statistical Manual
91 of Mental Disorders"; and (15) "drug-dependent" means a psychoactive
92 substance dependence on drugs as that condition is defined in the
93 most recent edition of the American Psychiatric Association's
94 "Diagnostic and Statistical Manual of Mental Disorders". No child shall
95 be classified as drug dependent who is dependent (A) upon a
96 morphine-type substance as an incident to current medical treatment
97 of a demonstrable physical disorder other than drug dependence, or
98 (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic
99 or other stimulant and depressant substances as an incident to current
100 medical treatment of a demonstrable physical or psychological
101 disorder, or both, other than drug dependence.

102 Sec. 2. Subsection (a) of section 46b-121 of the general statutes, as
103 amended by section 74 of public act 07-4 of the June special session, is
104 repealed and the following is substituted in lieu thereof (*Effective*
105 *January 1, 2010*):

106 (a) (1) Juvenile matters in the civil session include all proceedings
107 concerning uncared-for, neglected or dependent children and youths
108 within this state, termination of parental rights of children committed
109 to a state agency, matters concerning families with service needs,
110 contested matters involving termination of parental rights or removal
111 of guardian transferred from the Probate Court and the emancipation
112 of minors, but does not include matters of guardianship and adoption
113 or matters affecting property rights of any child or youth over which
114 the Probate Court has jurisdiction, except that appeals from probate
115 concerning adoption, termination of parental rights and removal of a
116 parent as guardian shall be included.

117 (2) Juvenile matters in the criminal session include all proceedings
118 concerning delinquent children within this state and persons
119 [eighteen] seventeen years of age and older who are under the
120 supervision of a juvenile probation officer while on probation or a
121 suspended commitment to the Department of Children and Families,
122 for purposes of enforcing any court orders entered as part of such
123 probation or suspended commitment.

124 Sec. 3. Subsection (c) of section 46b-127 of the general statutes, as
125 amended by section 75 of public act 07-4 of the June special session, is
126 repealed and the following is substituted in lieu thereof (*Effective*
127 *January 1, 2010*):

128 (c) Upon the effectuation of the transfer, such child shall stand trial
129 and be sentenced, if convicted, as if such child were [eighteen]
130 seventeen years of age. Such child shall receive credit against any
131 sentence imposed for time served in a juvenile facility prior to the
132 effectuation of the transfer. A child who has been transferred may
133 enter a guilty plea to a lesser offense if the court finds that such plea is
134 made knowingly and voluntarily. Any child transferred to the regular
135 criminal docket who pleads guilty to a lesser offense shall not resume
136 such child's status as a juvenile regarding such offense. If the action is
137 dismissed or nolleed or if such child is found not guilty of the charge for
138 which such child was transferred or of any lesser included offenses,
139 the child shall resume such child's status as a juvenile until such child
140 attains the age of [eighteen] seventeen years.

141 Sec. 4. Subsection (f) of section 46b-133c of the general statutes, as
142 amended by section 76 of public act 07-4 of the June special session, is
143 repealed and the following is substituted in lieu thereof (*Effective*
144 *January 1, 2010*):

145 (f) Whenever a proceeding has been designated a serious juvenile
146 repeat offender prosecution pursuant to subsection (b) of this section
147 and the child does not waive such child's right to a trial by jury, the
148 court shall transfer the case from the docket for juvenile matters to the

149 regular criminal docket of the Superior Court. Upon transfer, such
150 child shall stand trial and be sentenced, if convicted, as if such child
151 were [eighteen] seventeen years of age, except that no such child shall
152 be placed in a correctional facility but shall be maintained in a facility
153 for children and youths until such child attains [eighteen] seventeen
154 years of age or until such child is sentenced, whichever occurs first.
155 Such child shall receive credit against any sentence imposed for time
156 served in a juvenile facility prior to the effectuation of the transfer. A
157 child who has been transferred may enter a guilty plea to a lesser
158 offense if the court finds that such plea is made knowingly and
159 voluntarily. Any child transferred to the regular criminal docket who
160 pleads guilty to a lesser offense shall not resume such child's status as
161 a juvenile regarding such offense. If the action is dismissed or nolle or
162 if such child is found not guilty of the charge for which such child was
163 transferred, the child shall resume such child's status as a juvenile until
164 such child attains [eighteen] seventeen years of age.

165 Sec. 5. Subsection (f) of section 46b-133d of the general statutes, as
166 amended by section 77 of public act 07-4 of the June special session, is
167 repealed and the following is substituted in lieu thereof (*Effective*
168 *January 1, 2010*):

169 (f) When a proceeding has been designated a serious sexual
170 offender prosecution pursuant to subsection (c) of this section and the
171 child does not waive the right to a trial by jury, the court shall transfer
172 the case from the docket for juvenile matters to the regular criminal
173 docket of the Superior Court. Upon transfer, such child shall stand trial
174 and be sentenced, if convicted, as if such child were [eighteen]
175 seventeen years of age, except that no such child shall be placed in a
176 correctional facility but shall be maintained in a facility for children
177 and youths until such child attains [eighteen] seventeen years of age or
178 until such child is sentenced, whichever occurs first. Such child shall
179 receive credit against any sentence imposed for time served in a
180 juvenile facility prior to the effectuation of the transfer. A child who
181 has been transferred may enter a guilty plea to a lesser offense if the

182 court finds that such plea is made knowingly and voluntarily. Any
183 child transferred to the regular criminal docket who pleads guilty to a
184 lesser offense shall not resume such child's status as a juvenile
185 regarding such offense. If the action is dismissed or nolleed or if such
186 child is found not guilty of the charge for which such child was
187 transferred, the child shall resume such child's status as a juvenile until
188 such child attains [eighteen] seventeen years of age.

189 Sec. 6. Subsection (c) of section 10-19m of the general statutes, as
190 amended by section 78 of public act 07-4 of the June special session, is
191 repealed and the following is substituted in lieu thereof (*Effective*
192 *January 1, 2010*):

193 (c) The Commissioner of Education shall adopt regulations, in
194 accordance with the provisions of chapter 54, establishing minimum
195 standards for such youth service bureaus and the criteria for qualifying
196 for state cost-sharing grants, including, but not limited to, allowable
197 sources of funds covering the local share of the costs of operating such
198 bureaus, acceptable in-kind contributions and application procedures.
199 Said commissioner shall, on December 1, 1979, and annually thereafter,
200 report to the General Assembly on the referral or diversion of children
201 under the age of [eighteen] seventeen years from the juvenile justice
202 system and on the referral or diversion of children aged seventeen and
203 eighteen years from the court system. Such report shall include, but
204 not be limited to, the number of times any child is so diverted, the
205 number of children diverted, the type of service provided to any such
206 child, by whom such child was diverted, the ages of the children
207 diverted and such other information and statistics as the General
208 Assembly may request from time to time. Any such report shall
209 contain no identifying information about any particular child.

210 Sec. 7. (*Effective from passage*) Section 123 of public act 07-4 of the
211 June special session shall take effect January 1, 2011.

212 Sec. 8. Section 46b-150f of the general statutes is repealed and the
213 following is substituted in lieu thereof (*Effective January 1, 2010*):

214 (a) Any selectman, town manager, police officer or welfare
215 department of any town, city or borough, any probation officer, any
216 superintendent of schools, any child-caring institution or agency
217 approved or licensed by the Commissioner of Children and Families,
218 any youth service bureau, a parent, guardian, foster parent or other
219 custodian of a youth seventeen years of age, or a representative of a
220 youth seventeen years of age, who believes that the acts or omissions
221 of [a] such youth are such that such youth is a youth in crisis may file a
222 written complaint setting forth those facts with the Superior Court
223 which has venue over the matter.

224 (b) A petition alleging that a youth is a youth in crisis shall be
225 verified and filed with the Superior Court which has venue over the
226 matter. The petition shall set forth plainly: (1) The facts which bring
227 the youth within the jurisdiction of the court; (2) the name, date of
228 birth, sex and residence of the youth; (3) the name and residence of the
229 parent or parents, guardian, foster parent, other custodian or other
230 person having control of the youth; and (4) a prayer for appropriate
231 action by the court in conformity with the provisions of this section.

232 (c) Upon determination that a youth is a youth in crisis in
233 accordance with policies established by the Chief Court Administrator,
234 the court may make and enforce orders, including, but not limited to,
235 orders: (1) Directing the Commissioner of Motor Vehicles to suspend
236 the motor vehicle operator's license of the youth in crisis for a period of
237 time, as directed by the court, but not to exceed one year; (2) requiring
238 work or specified community service; (3) mandating that the youth in
239 crisis attend an educational program in the local community approved
240 by the court; (4) requiring mental health services; (5) referring the
241 youth in crisis to a youth service bureau, provided one exists in the
242 local community; and (6) reviewing the option of emancipation,
243 pursuant to section 46b-150, of the youth in crisis or the parent,
244 guardian, foster parent or other custodian of such youth in crisis. Upon
245 determination that a youth is a youth in crisis because the youth has
246 without just cause run away from the parental home or other properly

247 authorized and lawful place of abode, the court may, prior to January
248 1, 2010, order the youth in crisis to be subject to the control of the
249 youth's parent or parents, guardian, foster parent or other custodian,
250 except as required under any other provision of law, for a period of
251 time, as directed by the court, but not beyond the date the youth
252 attains the age of eighteen. A youth in crisis found to be in violation of
253 any order under this section shall not be considered to be delinquent
254 and shall not be punished by the court by incarceration in any state-
255 operated detention facility or correctional facility.

256 (d) The Judicial Department may use any funds appropriated for
257 purposes of this chapter for costs incurred by the department or the
258 court pursuant to this section.

259 Sec. 9. Section 46b-150g of the general statutes is repealed and the
260 following is substituted in lieu thereof (*Effective January 1, 2010*):

261 (a) Any police officer who receives a report from the parent or
262 guardian of a youth in crisis, as defined in subparagraph [(A)] (B)(i) of
263 subdivision [(3)] (2) of section 46b-120, as amended by this act, shall
264 attempt to locate the youth in crisis. If the officer locates such youth in
265 crisis, such officer shall report the location of the youth to the parent or
266 guardian in accordance with the provisions of federal and state law
267 after such officer determines that such report does not place the youth
268 in any physical or emotional harm. In addition, the police officer shall
269 respond in one of the following ways: (1) Transport the youth in crisis
270 to the home of the child's parent or guardian or a suitable and worthy
271 adult; (2) refer the youth in crisis to the probate court in the district
272 where the youth in crisis is located, provided the probate judge for
273 such probate court is willing to accept the referral; (3) hold the youth
274 in crisis in protective custody for a maximum period of twelve hours
275 until the officer can determine a more suitable disposition of the
276 matter, provided (A) the youth in crisis is not held in any cell designed
277 or used for adults, and (B) the officer may release the youth in crisis to
278 the parent or guardian of the youth if the officer determines that

279 returning the youth does not place the youth in any physical or
280 emotional harm; (4) transport or refer a youth in crisis to any public or
281 private agency serving children, with or without the agreement of the
282 youth in crisis; (5) refer the youth in crisis to a youth service bureau,
283 provided one exists in the local community; or (6) if the police officer is
284 unable to transport, refer or hold the youth in crisis pursuant to
285 subdivisions (1) to (5), inclusive, of this subsection, refer the youth in
286 crisis to the superior court for juvenile matters in the district where the
287 youth in crisis is located. If a youth in crisis is transported or referred
288 to an agency pursuant to this section, such agency shall provide
289 temporary services to the youth in crisis unless or until the parent or
290 guardian of the youth in crisis at any time refuses to agree to those
291 services.

292 (b) Any police officer acting in accordance with the provisions of
293 this section shall be deemed to be acting in the course of the police
294 officer's official duties.

295 Sec. 10. Section 46b-120 of the general statutes, as amended by
296 section 73 of public act 07-4 of the June special session and section 1 of
297 this act, is repealed and the following is substituted in lieu thereof
298 (*Effective January 1, 2011*):

299 The terms used in this chapter shall, in its interpretation and in the
300 interpretation of other statutes, be defined as follows: (1) "Child"
301 means any person under sixteen years of age, except that for purposes
302 of delinquency matters and proceedings, "child" means any person (A)
303 under [seventeen] eighteen years of age, or (B) [seventeen] eighteen
304 years of age or older who, prior to attaining [seventeen] eighteen years
305 of age, has committed a delinquent act and, subsequent to attaining
306 [seventeen] eighteen years of age, violates any order of the Superior
307 Court or any condition of probation ordered by the Superior Court
308 with respect to such delinquency proceeding; (2) [(A)] "youth" means
309 any person sixteen or seventeen years of age; [and (B) "youth in crisis"
310 means any youth seventeen years of age who, within the last two

311 years, (i) has without just cause run away from the parental home or
312 other properly authorized and lawful place of abode, (ii) is beyond the
313 control of the youth's parents, guardian or other custodian, or (iii) has
314 four unexcused absences from school in any one month or ten
315 unexcused absences in any school year;] (3) "abused" means that a
316 child or youth (A) has been inflicted with physical injury or injuries
317 other than by accidental means, (B) has injuries that are at variance
318 with the history given of them, or (C) is in a condition that is the result
319 of maltreatment, including, but not limited to, malnutrition, sexual
320 molestation or exploitation, deprivation of necessities, emotional
321 maltreatment or cruel punishment; (4) a child may be found "mentally
322 deficient" who, by reason of a deficiency of intelligence that has existed
323 from birth or from early age, requires, or will require, for such child's
324 protection or for the protection of others, special care, supervision and
325 control; (5) a child may be convicted as "delinquent" who has violated
326 (A) any federal or state law, other than the commission of (i) an
327 infraction or violation by a youth under subsection (b) of section 51-
328 164n, or (ii) a motor vehicle violation by a youth for which a sentence
329 to a term of imprisonment may be imposed, (B) any order of the
330 Superior Court, except as provided in section 46b-148, or (C)
331 conditions of probation as ordered by the court; (6) a child or youth
332 may be found "dependent" whose home is a suitable one for the child
333 or youth, except for the financial inability of the child's or youth's
334 parents, parent or guardian, or other person maintaining such home,
335 to provide the specialized care the condition of the child or youth
336 requires; (7) "family with service needs" means a family that includes a
337 child or youth who (A) has without just cause run away from the
338 parental home or other properly authorized and lawful place of abode,
339 (B) is beyond the control of the child's or youth's parent, parents,
340 guardian or other custodian, (C) has engaged in indecent or immoral
341 conduct, (D) is a truant or habitual truant or who, while in school, has
342 been continuously and overtly defiant of school rules and regulations,
343 or (E) is thirteen years of age or older and has engaged in sexual
344 intercourse with another person and such other person is thirteen

345 years of age or older and not more than two years older or younger
346 than such child or youth; (8) a child or youth may be found "neglected"
347 who (A) has been abandoned, (B) is being denied proper care and
348 attention, physically, educationally, emotionally or morally, (C) is
349 being permitted to live under conditions, circumstances or associations
350 injurious to the well-being of the child or youth, or (D) has been
351 abused; (9) a child or youth may be found "uncared for" who is
352 homeless or whose home cannot provide the specialized care that the
353 physical, emotional or mental condition of the child or youth requires.
354 For the purposes of this section, the treatment of any child or youth by
355 an accredited Christian Science practitioner, in lieu of treatment by a
356 licensed practitioner of the healing arts, shall not of itself constitute
357 neglect or maltreatment; (10) "delinquent act" means the violation of
358 any federal or state law, or the violation of any order of the Superior
359 Court, other than the commission of (A) an infraction or violation by a
360 youth under subsection (b) of section 51-164n, or (B) a motor vehicle
361 violation by a youth for which a sentence to a term of imprisonment
362 may be imposed; (11) "serious juvenile offense" means (A) the violation
363 of, including attempt or conspiracy to violate, (i) section 21a-277,
364 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a, 53-202b, 53-202c, 53-390 to
365 53-392, inclusive, 53a-54a to 53a-56a, inclusive, 53a-59 to 53a-60c,
366 inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a,
367 inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113,
368 inclusive, subdivision (1) of subsection (a) of section 53a-122,
369 subdivision (3) of subsection (a) of section 53a-123, section 53a-134,
370 53a-135, 53a-136a, 53a-166 or 53a-167c, subsection (a) of section
371 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, by a
372 child, or (ii) section 53a-56b or 53a-57 by a child under sixteen years of
373 age, or (B) running away, without just cause, from any secure
374 placement other than home while referred as a delinquent child to the
375 Court Support Services Division or committed as a delinquent child to
376 the Commissioner of Children and Families for a serious juvenile
377 offense; (12) "serious juvenile offender" means any child convicted as
378 delinquent for the commission of a serious juvenile offense; (13)

379 "serious juvenile repeat offender" means any child charged with the
380 commission of any felony if such child has previously been convicted
381 as delinquent or otherwise convicted at any age for two violations of
382 any provision of title 21a, 29, 53 or 53a that is designated as a felony;
383 (14) "alcohol-dependent" means a psychoactive substance dependence
384 on alcohol as that condition is defined in the most recent edition of the
385 American Psychiatric Association's "Diagnostic and Statistical Manual
386 of Mental Disorders"; and (15) "drug-dependent" means a psychoactive
387 substance dependence on drugs as that condition is defined in the
388 most recent edition of the American Psychiatric Association's
389 "Diagnostic and Statistical Manual of Mental Disorders". No child shall
390 be classified as drug dependent who is dependent (A) upon a
391 morphine-type substance as an incident to current medical treatment
392 of a demonstrable physical disorder other than drug dependence, or
393 (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic
394 or other stimulant and depressant substances as an incident to current
395 medical treatment of a demonstrable physical or psychological
396 disorder, or both, other than drug dependence.

397 Sec. 11. Subsection (a) of section 46b-121 of the general statutes, as
398 amended by section 74 of public act 07-4 of the June special session
399 and section 2 of this act, is repealed and the following is substituted in
400 lieu thereof (*Effective January 1, 2011*):

401 (a) (1) Juvenile matters in the civil session include all proceedings
402 concerning uncared-for, neglected or dependent children and youths
403 within this state, termination of parental rights of children committed
404 to a state agency, matters concerning families with service needs,
405 contested matters involving termination of parental rights or removal
406 of guardian transferred from the Probate Court and the emancipation
407 of minors, but does not include matters of guardianship and adoption
408 or matters affecting property rights of any child or youth over which
409 the Probate Court has jurisdiction, except that appeals from probate
410 concerning adoption, termination of parental rights and removal of a
411 parent as guardian shall be included.

412 (2) Juvenile matters in the criminal session include all proceedings
413 concerning delinquent children within this state and persons
414 [seventeen] eighteen years of age and older who are under the
415 supervision of a juvenile probation officer while on probation or a
416 suspended commitment to the Department of Children and Families,
417 for purposes of enforcing any court orders entered as part of such
418 probation or suspended commitment.

419 Sec. 12. Subsection (c) of section 46b-127 of the general statutes, as
420 amended by section 75 of public act 07-4 of the June special session
421 and section 3 of this act, is repealed and the following is substituted in
422 lieu thereof (*Effective January 1, 2011*):

423 (c) Upon the effectuation of the transfer, such child shall stand trial
424 and be sentenced, if convicted, as if such child were [seventeen]
425 eighteen years of age. Such child shall receive credit against any
426 sentence imposed for time served in a juvenile facility prior to the
427 effectuation of the transfer. A child who has been transferred may
428 enter a guilty plea to a lesser offense if the court finds that such plea is
429 made knowingly and voluntarily. Any child transferred to the regular
430 criminal docket who pleads guilty to a lesser offense shall not resume
431 such child's status as a juvenile regarding such offense. If the action is
432 dismissed or nolleed or if such child is found not guilty of the charge for
433 which such child was transferred or of any lesser included offenses,
434 the child shall resume such child's status as a juvenile until such child
435 attains the age of [seventeen] eighteen years.

436 Sec. 13. Subsection (f) of section 46b-133c of the general statutes, as
437 amended by section 76 of public act 07-4 of the June special session
438 and section 4 of this act, is repealed and the following is substituted in
439 lieu thereof (*Effective January 1, 2011*):

440 (f) Whenever a proceeding has been designated a serious juvenile
441 repeat offender prosecution pursuant to subsection (b) of this section
442 and the child does not waive such child's right to a trial by jury, the
443 court shall transfer the case from the docket for juvenile matters to the

444 regular criminal docket of the Superior Court. Upon transfer, such
445 child shall stand trial and be sentenced, if convicted, as if such child
446 were [seventeen] eighteen years of age, except that no such child shall
447 be placed in a correctional facility but shall be maintained in a facility
448 for children and youths until such child attains [seventeen] eighteen
449 years of age or until such child is sentenced, whichever occurs first.
450 Such child shall receive credit against any sentence imposed for time
451 served in a juvenile facility prior to the effectuation of the transfer. A
452 child who has been transferred may enter a guilty plea to a lesser
453 offense if the court finds that such plea is made knowingly and
454 voluntarily. Any child transferred to the regular criminal docket who
455 pleads guilty to a lesser offense shall not resume such child's status as
456 a juvenile regarding such offense. If the action is dismissed or nolle or
457 if such child is found not guilty of the charge for which such child was
458 transferred, the child shall resume such child's status as a juvenile until
459 such child attains [seventeen] eighteen years of age.

460 Sec. 14. Subsection (f) of section 46b-133d of the general statutes, as
461 amended by section 77 of public act 07-4 of the June special session
462 and section 5 of this act, is repealed and the following is substituted in
463 lieu thereof (*Effective January 1, 2011*):

464 (f) When a proceeding has been designated a serious sexual
465 offender prosecution pursuant to subsection (c) of this section and the
466 child does not waive the right to a trial by jury, the court shall transfer
467 the case from the docket for juvenile matters to the regular criminal
468 docket of the Superior Court. Upon transfer, such child shall stand trial
469 and be sentenced, if convicted, as if such child were [seventeen]
470 eighteen years of age, except that no such child shall be placed in a
471 correctional facility but shall be maintained in a facility for children
472 and youths until such child attains [seventeen] eighteen years of age or
473 until such child is sentenced, whichever occurs first. Such child shall
474 receive credit against any sentence imposed for time served in a
475 juvenile facility prior to the effectuation of the transfer. A child who
476 has been transferred may enter a guilty plea to a lesser offense if the

477 court finds that such plea is made knowingly and voluntarily. Any
478 child transferred to the regular criminal docket who pleads guilty to a
479 lesser offense shall not resume such child's status as a juvenile
480 regarding such offense. If the action is dismissed or nolle or if such
481 child is found not guilty of the charge for which such child was
482 transferred, the child shall resume such child's status as a juvenile until
483 such child attains [seventeen] eighteen years of age.

484 Sec. 15. Subsection (c) of section 10-19m of the general statutes, as
485 amended by section 78 of public act 07-4 of the June special session
486 and section 6 of this act, is repealed and the following is substituted in
487 lieu thereof (*Effective January 1, 2010*):

488 (c) The Commissioner of Education shall adopt regulations, in
489 accordance with the provisions of chapter 54, establishing minimum
490 standards for such youth service bureaus and the criteria for qualifying
491 for state cost-sharing grants, including, but not limited to, allowable
492 sources of funds covering the local share of the costs of operating such
493 bureaus, acceptable in-kind contributions and application procedures.
494 Said commissioner shall, on December 1, 1979, and annually thereafter,
495 report to the General Assembly on the referral or diversion of children
496 under the age of [seventeen] eighteen years from the juvenile justice
497 system and [on the referral or diversion of children aged seventeen
498 and eighteen years from] the court system. Such report shall include,
499 but not be limited to, the number of times any child is so diverted, the
500 number of children diverted, the type of service provided to any such
501 child, by whom such child was diverted, the ages of the children
502 diverted and such other information and statistics as the General
503 Assembly may request from time to time. Any such report shall
504 contain no identifying information about any particular child.

505 Sec. 16. Section 54-76c of the general statutes is repealed and the
506 following is substituted in lieu thereof (*Effective October 1, 2009*):

507 (a) In any case where an information or complaint has been laid
508 charging a defendant with the commission of a crime, and where it

509 appears that the defendant is a youth, such defendant shall be
510 presumed to be eligible to be adjudged a youthful offender and the
511 court having jurisdiction shall, but only as to the public, order the
512 court file sealed, unless such defendant (1) is charged with the
513 commission of a crime which is a class A felony or a violation of
514 section 14-222a, subsection (a) of section 14-224, section 14-227a or 14-
515 227g, subdivision (2) of subsection (a) of section 53-21 or section 53a-
516 70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, except a violation
517 involving consensual sexual intercourse or sexual contact between the
518 youth and another person who is thirteen years of age or older but
519 under sixteen years of age, or (2) has been previously convicted of a
520 felony in the regular criminal docket of the Superior Court or been
521 previously adjudged a serious juvenile offender or serious juvenile
522 repeat offender, as defined in section 46b-120, as amended by this act.
523 Except as provided in subsection (b) of this section, upon motion of the
524 prosecuting official, the court may order that an investigation be made
525 of such defendant under section 54-76d, for the purpose of
526 determining whether such defendant is ineligible to be adjudged a
527 youthful offender, provided the court file shall remain sealed, but only
528 as to the public, during such investigation.

529 (b) (1) Upon motion of the prosecuting official and order of the
530 court, the case of any defendant who is a youth and is charged with
531 the commission of a felony, other than a felony set forth in subsection
532 (a) of this section, shall be transferred from the youthful offender
533 docket to the regular criminal docket of the Superior Court, provided
534 the court finds that there is probable cause to believe the defendant has
535 committed the act for which he or she is charged. The defendant shall
536 be arraigned in the regular criminal docket of the Superior Court by
537 the next court business day following such transfer, provided any
538 proceedings held prior to the finalization of such transfer shall be
539 private and shall be conducted in such parts of the courthouse or the
540 building wherein court is located as shall be separate and apart from
541 the other parts of the court which are then being held for proceedings
542 pertaining to adults charged with crimes. The file of any case so

543 transferred shall remain sealed until the end of the tenth working day
544 following such arraignment, unless the prosecuting official has filed a
545 motion pursuant to subdivision (2) of this subsection, in which case
546 such file shall remain sealed until the court makes a decision on the
547 motion.

548 (2) A prosecuting official may, not later than ten working days after
549 such arraignment, file a motion to transfer the case of any defendant
550 who is a youth and is charged with the commission of a felony, other
551 than a felony set forth in subsection (a) of this section, from the regular
552 criminal docket of the Superior Court to the youthful offender docket
553 for proceedings in accordance with the provisions of sections 54-76b to
554 54-76n, inclusive. The court sitting for the regular criminal docket of
555 the Superior Court shall, after hearing and not later than ten working
556 days after the filing of such motion, decide such motion.

557 (c) Upon motion of the prosecuting official and order of the court,
558 the case of any defendant who is a youth, other than a youth charged
559 with the commission of a felony set forth in subsection (a) of this
560 section, may be stayed pending the referral of the youth to programs
561 and probation treatment services provided pursuant to sections 46b-
562 121j to 46b-121l, inclusive, as amended by this act, provided (1) the
563 youth consents to such stay, and (2) the court finds, through an
564 assessment by the Court Support Services Division, that the youth is in
565 need of and likely to benefit from such services. At any time after such
566 referral, upon motion of the prosecuting official and order of the court,
567 the stay may be lifted and the case may proceed or the case may be
568 dismissed. At any time after such referral, upon motion of the youth,
569 the stay may be lifted and the case may proceed. The court file shall
570 remain sealed, but only as to the public, during any stay or other
571 proceeding under this subsection.

572 Sec. 17. Section 54-76j of the general statutes is repealed and the
573 following is substituted in lieu thereof (*Effective October 1, 2009*):

574 (a) The court, upon the adjudication of any person as a youthful

575 offender, may: (1) Commit the defendant; (2) impose a fine not
 576 exceeding one thousand dollars; (3) impose a sentence of conditional
 577 discharge or a sentence of unconditional discharge; (4) impose a
 578 sentence of community service; (5) impose a sentence to a term of
 579 imprisonment not greater than that authorized for the crime
 580 committed by the defendant, but in no event shall any such term
 581 exceed four years; (6) impose sentence and suspend the execution of
 582 the sentence, entirely or after a period set by the court; (7) order
 583 treatment pursuant to section 17a-699; or (8) if a criminal docket for
 584 drug-dependent persons has been established pursuant to section
 585 51-181b in the judicial district in which the defendant was adjudicated
 586 a youthful offender, transfer the supervision of the defendant to the
 587 court handling such docket.

588 (b) If execution of the sentence is suspended under subdivision (6)
 589 of subsection (a) of this section, the defendant may be placed on
 590 probation or conditional discharge for a period not to exceed three
 591 years, provided, at any time during the period of probation, after
 592 hearing and for good cause shown, the court may extend the period as
 593 deemed appropriate by the court. If the court places [the] a person
 594 adjudicated to be a youthful offender on probation, the court may
 595 order that, as a condition of such probation, the person be referred for
 596 services to a youth service bureau established pursuant to section 10-
 597 19m, as amended by this act, provided the court finds, through an
 598 assessment by a youth service bureau or its designee, that the person is
 599 in need of and likely to benefit from such services. If the court places a
 600 person adjudicated [as] to be a youthful offender on probation, the
 601 court may order that, as a condition of such probation, the person
 602 participate in the zero-tolerance drug supervision program established
 603 pursuant to section 53a-39d. If the court places a person adjudicated to
 604 be a youthful offender on probation, school and class attendance on a
 605 regular basis and satisfactory compliance with school policies on
 606 student conduct and discipline may be a condition of such probation
 607 and, in such a case, failure to so attend or comply shall be a violation of
 608 probation. If the court has reason to believe that the person

609 adjudicated to be a youthful offender is or has been an unlawful user
610 of narcotic drugs, as defined in section 21a-240, and the court places
611 such youthful offender on probation, the conditions of probation,
612 among other things, shall include a requirement that such person shall
613 submit to periodic tests to determine, by the use of "synthetic opiate
614 antinarcotic in action", nalline test or other detection tests, at a hospital
615 or other facility, equipped to make such tests, whether such person is
616 using narcotic drugs. A failure to report for such tests or a
617 determination that such person is unlawfully using narcotic drugs
618 shall constitute a violation of probation. If the court places a person
619 adjudicated [as] to be a youthful offender for a violation of section 53-
620 247 on probation, the court may order that, as a condition of such
621 probation, the person undergo psychiatric or psychological counseling
622 or participate in an animal cruelty prevention and education program,
623 provided such a program exists and is available to the person. If the
624 court places a person adjudicated to be a youthful offender on
625 probation, the court may order that, as a condition of such probation,
626 the person be referred to programs and probation treatment services
627 provided pursuant to sections 46b-121j to 46b-121l, inclusive, as
628 amended by this act, provided the court finds, through an assessment
629 by the Court Support Services Division, that the person is in need of
630 and likely to benefit from such services.

631 (c) Commitment under this section shall be for a period not to
632 exceed the term of imprisonment authorized for the crime committed
633 by the defendant, but in no event shall any such period exceed four
634 years, and shall be to any religious, charitable or other correctional
635 institution authorized by law to receive persons over the age of sixteen
636 years. Whenever a youthful offender is committed by the court to any
637 duly authorized religious, charitable or other institution, other than an
638 institution supported or controlled by the state or a subdivision
639 thereof, such commitment shall be made, when practicable, to a
640 religious, charitable or other institution under the control of persons of
641 the same religious faith or persuasion as that of the youthful offender.
642 If a youthful offender is committed by the court to any institution

643 other than an institution supported or controlled by the state or a
644 subdivision thereof, which is under the control of persons of a religion
645 or persuasion different from that of the youthful offender, the court
646 shall state or recite the facts which impel it to make such disposition,
647 and such statement shall be made a part of the record of the
648 proceedings.

649 Sec. 18. Section 46b-121i of the general statutes is repealed and the
650 following is substituted in lieu thereof (*Effective October 1, 2009*):

651 (a) The Judicial Department shall:

652 (1) Coordinate programs and services of the juvenile justice system
653 with other state and municipal agencies, boards and commissions;

654 (2) Develop and use intake and assessment procedures for the
655 evaluation of juveniles;

656 (3) Provide case management for juveniles;

657 (4) Provide pretrial diversion and postconviction programs;

658 (5) Coordinate community-based services for juveniles and their
659 families which promote appropriate reintegration of the juvenile with
660 his family, school and community; [and]

661 (6) Provide other programs and services necessary to the juvenile
662 justice system; and

663 (7) Provide programs and services, similar to those provided by the
664 Judicial Department to children in the juvenile justice system, to
665 youths referred to such programs and services pursuant to section 54-
666 76c, as amended by this act, and youthful offenders referred to such
667 programs and services pursuant to section 54-76j, as amended by this
668 act, and provide assessments upon the court's order pursuant to
669 section 54-76c, as amended by this act, or section 54-76j, as amended by
670 this act, to determine whether the youth or youthful offender is in need

671 of and likely to benefit from such services.

672 (b) In developing its programs, the Judicial Department shall:

673 (1) Develop risk and assessment instruments for use in determining
674 the need for detention or other placement at the time a juvenile enters
675 the system or at the time a court orders assessment of a youth pursuant
676 to section 54-76c, as amended by this act, or a youthful offender
677 pursuant to section 54-76j, as amended by this act;

678 (2) Develop a case classification process to [include the
679 establishment of] establish classification program levels and case
680 management standards for each program level. [A] Each program level
681 [is] shall be based on the needs of the juvenile, youth or youthful
682 offender, [his] the juvenile's, youth's or youthful offender's potential to
683 be dangerous and [his] the juvenile's, youth's or youthful offender's
684 risk of offending further;

685 (3) Develop a purchase-of-care system, which will facilitate the
686 development of a state-wide community-based continuum of care,
687 with the involvement of the private sector and the local public sector.
688 Care services may be purchased from private providers to provide a
689 wider diversity of services. [This] The system shall include accessing
690 Title IV-E funds of the federal Social Security Act, as amended from
691 time to time, new Medicaid funds and other funding sources to
692 support eligible community-based services. Such services developed
693 and purchased shall include, but not be limited to, evaluation services
694 which shall be available on a geographically accessible basis across the
695 state.

696 Sec. 19. Section 46b-121j of the general statutes is repealed and the
697 following is substituted in lieu thereof (*Effective October 1, 2009*):

698 (a) The Court Support Services Division shall design and make
699 available to the Judicial Department programs and probation
700 treatment services for juvenile offenders and programs and services for

701 youths referred to such programs and services pursuant to section 54-
702 76c, as amended by this act, or youthful offenders referred to such
703 programs and services pursuant to section 54-76j, as amended by this
704 act. The programs and treatment services shall be based upon the
705 individual or family assessment and evaluation process and case
706 management plan.

707 (b) Probation treatment services and treatment services for youths
708 shall address:

709 (1) Behavioral impairments and other emotional disturbances and
710 other mental health or psychiatric disorders;

711 (2) Histories of physical or sexual abuse;

712 (3) Drug and alcohol addiction;

713 (4) Health and medical needs;

714 (5) Education, special education and related services.

715 (c) Available programs shall include:

716 (1) Individual, group and family counseling services and all other
717 programs and services as appropriate with any case management plan
718 related to subsection (b) of this section.

719 (2) The design and delivery of probation treatment programs and
720 treatment programs for youths following the requirements stated
721 within Title XIX and Title IV-E of the federal Social Security Act, as
722 amended, the Special Education Act and other funding guidelines, as
723 appropriate. It is the intent of the General Assembly that [these] such
724 funding sources shall be utilized to support service needs of eligible
725 juveniles, youths and youthful offenders.

726 Sec. 20. Section 46b-121k of the general statutes is repealed and the
727 following is substituted in lieu thereof (*Effective October 1, 2009*):

728 (a) (1) The Court Support Services Division shall develop
729 constructive programs for the prevention and reduction of
730 delinquency and crime among juvenile offenders, youths referred to
731 such programs pursuant to section 54-76c, as amended by this act, and
732 youthful offenders referred to such programs pursuant to section 54-
733 76j, as amended by this act. To develop such programs, the executive
734 director of the Court Support Services Division shall cooperate with
735 other agencies to encourage the establishment of new programs and to
736 provide a continuum of services for juvenile offenders, youths and
737 youthful offenders who do not require secure placement, including,
738 but not limited to, juveniles, youths and youthful offenders classified
739 pursuant to the risk assessment instrument described in section 46b-
740 121i, as amended by this act, as those who may be released with
741 structured supervision and those who may be released without
742 supervision. When appropriate, the Court Support Services Division
743 shall coordinate such programs with the Department of Children and
744 Families and the Department of Mental Health and Addiction Services.

745 (2) The programs shall be tailored to the type of juvenile, youth or
746 youthful offender, including the juvenile's, youth's or youthful
747 offender's offense history, age, maturity and social development,
748 gender, mental health, alcohol dependency or drug dependency, need
749 for structured supervision and other characteristics, and shall be
750 culturally appropriate, trauma-informed and provided in the least
751 restrictive environment possible in a manner consistent with public
752 safety. The Court Support Services Division shall develop programs
753 that provide: (A) Intensive general education, with an individualized
754 remediation plan for each juvenile, youth or youthful offender; (B)
755 appropriate job training and employment opportunities; (C)
756 counseling sessions in anger management and nonviolent conflict
757 resolution; (D) treatment and prevention programs for alcohol
758 dependency and drug dependency; (E) mental health screening,
759 assessment and treatment; (F) sexual offender treatment; and (G)
760 services for families of juveniles, youths and youthful offenders.

761 (b) The Judicial Department may contract to establish regional
762 secure residential facilities and regional highly supervised residential
763 and nonresidential facilities for juveniles, youths and youthful
764 offenders referred by the court. Such facilities shall operate within
765 contracted-for capacity limits. Such facilities shall be exempt from the
766 licensing requirements of section 17a-145.

767 (c) The Court Support Services Division shall collaborate with
768 private residential facilities providing residential programs and with
769 community-based nonresidential postrelease programs.

770 (d) Any program developed by the Court Support Services Division
771 that is designed to prevent or reduce delinquency and crime among
772 juvenile offenders, youths and youthful offenders shall be gender
773 specific, as necessary, and shall comprehensively address the unique
774 needs of a targeted gender group.

775 (e) The Court Support Services Division shall consult with the
776 Commission on Racial and Ethnic Disparity in the Criminal Justice
777 System established pursuant to section 51-10c to address the needs of
778 minorities in the juvenile justice system and minorities in the youthful
779 offender docket or adjudicated as youthful offenders.

780 Sec. 21. Section 46b-121/ of the general statutes is repealed and the
781 following is substituted in lieu thereof (*Effective October 1, 2009*):

782 (a) The Court Support Services Division shall fund projects for a
783 program of early intervention initiatives designed for juvenile
784 offenders, youths referred to such a program pursuant to section 54-
785 76c, as amended by this act, and youthful offenders referred to such a
786 program pursuant to section 54-76j, as amended by this act. The
787 projects may include, but not be limited to, the following initiatives:

788 (1) A peer tutoring project designed for juvenile offenders, youths
789 and youthful offenders required to perform community services;

790 (2) Specialized residential services for juvenile offenders, youths

791 and youthful offenders on probation who have been expelled from
792 school;

793 (3) Social services and counseling for female juvenile offenders,
794 youths and youthful offenders;

795 (4) Training in cognitive skill building;

796 (5) A self-supporting entrepreneurship program; and

797 (6) A mentoring program designed to match juveniles, youths and
798 youthful offenders with positive adult role models.

799 (b) The primary purpose of [these] such projects shall be to provide
800 a network of community services for juvenile offenders, youths and
801 youthful offenders. The Court Support Services Division shall develop
802 evaluation protocols designed to assess the impact of components of
803 [these] such projects on deterring juvenile and youth crime in the
804 communities where the projects operate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2010</i>	46b-120
Sec. 2	<i>January 1, 2010</i>	46b-121(a)
Sec. 3	<i>January 1, 2010</i>	46b-127(c)
Sec. 4	<i>January 1, 2010</i>	46b-133c(f)
Sec. 5	<i>January 1, 2010</i>	46b-133d(f)
Sec. 6	<i>January 1, 2010</i>	10-19m(c)
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>January 1, 2010</i>	46b-150f
Sec. 9	<i>January 1, 2010</i>	46b-150g
Sec. 10	<i>January 1, 2011</i>	46b-120
Sec. 11	<i>January 1, 2011</i>	46b-121(a)
Sec. 12	<i>January 1, 2011</i>	46b-127(c)
Sec. 13	<i>January 1, 2011</i>	46b-133c(f)
Sec. 14	<i>January 1, 2011</i>	46b-133d(f)
Sec. 15	<i>January 1, 2010</i>	10-19m(c)
Sec. 16	<i>October 1, 2009</i>	54-76c

Sec. 17	<i>October 1, 2009</i>	54-76j
Sec. 18	<i>October 1, 2009</i>	46b-121i
Sec. 19	<i>October 1, 2009</i>	46b-121j
Sec. 20	<i>October 1, 2009</i>	46b-121k
Sec. 21	<i>October 1, 2009</i>	46b-121l

Statement of Purpose:

To: (1) Stagger the implementation of provisions raising the age of juvenile jurisdiction by implementing such provisions for youth sixteen years of age in 2010, and implementing such provisions for youth seventeen years of age in 2011, and (2) allow a court to order assessments and services for youths in youthful offender proceedings and youths adjudicated to be youthful offenders comparable to the assessments and services provided to juvenile offenders in the juvenile court.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]